

October 20, 2004
FOR IMMEDIATE RELEASE

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IN THE SUPREME COURT OF THE STATE OF IDAHO

Docket No. 29551

AMCO INSURANCE COMPANY,)	
an insurance corporation,)	Boise, May 2004 Term
)	
Plaintiff-Respondent,)	2004 Opinion No. 112
)	
v.)	Filed: October 20, 2004
)	
TRI-SPUR INVESTMENT COMPANY,)	Frederick C. Lyon, Clerk
an Idaho corporation, a/k/a TRI-SPUR)	
INVESTMENTS, INC., and JOHN)	
BOWEN, an individual,)	
)	
Defendants-Appellants.)	

Appeal from the District Court of the Seventh Judicial District of the State of Idaho for Madison County. Hon. Brent J. Moss, District Judge.

The District Court decision granting summary judgment in favor of AMCO Insurance Company is affirmed.

Troupis & Summer, Chtd., Meridian, for appellants. Jay P. Clark argued.

Tolman Law Office, Twin Falls, for respondent. John O. Fitzgerald, II argued.

On September 29, 2000, the Equal Employment Opportunity Commission filed a complaint against Tri-Spur Investment (Tri-Spur) in the Federal District Court of Utah. Crystie Collins filed a complaint in intervention on April 16, 2001. Both complaints alleged that Ms. Collins was the victim of sexual harassment and retaliation while an employee of Tri-Spur, perpetrated by another employee of Tri-Spur. On March 28, 2001, Tri-Spur tendered the defense of the Collins claim to its business liability insurer, AMCO Insurance Company (AMCO). AMCO denied coverage on the basis that the policy only

covered occurrences resulting in bodily or personal injury and that the policy's civil rights and employment-related practice exclusions precluded coverage.

The District Court of Madison County granting AMCO its Motion for Summary Judgment, holding that AMCO has no duty to defend or indemnify Tri-Spur for claimed damages arising from alleged civil rights violations. The District Court later entered a Declaratory Judgment in favor of AMCO on March 10, 2003. Tri-Spur appealed.

The Court affirmed the judgment of the District Court finding Ms. Collins' claims specifically referred to civil rights violations under Title VII and in no way gave rise to the causes of action speculated by Tri-Spur, i.e., assault, battery, false imprisonment, slander, negligent supervision, intentional and/or negligent infliction of emotional distress or invasion of privacy. Furthermore, the "bodily injury" provision of Tri-Spur's insurance policy unambiguously excluded coverage for injuries sustained as a result of federal, state or governmental civil rights violations or alleged violations such that AMCO had no duty to defend or indemnify Tri-Spur. Finally, the Court rejected AMCO's request for attorney fees, finding Tri-Spur's reading of additional claims in the original suit by Ms. Collins was not frivolous, unreasonable or without foundation.